

EXHIBIT 6

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF OKLAHOMA

3 AMANDA FEENSTRA, et al.,
4 Plaintiff,

5 VS. Case Number
19-cv-234-JFH-FHM

6 JARED SIGLER, et al.,
7 Defendants.

8 WEB CONFERENCE DEPOSITION OF GLENDA POWELL
9 TAKEN ON BEHALF OF THE PLAINTIFF
10 ON OCTOBER 13, 2020, BEGINNING AT 10:24 A.M.
11 IN EDMOND, OKLAHOMA
(LOCATION OF REPORTER)

12 APPEARANCES:

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23

24 (Appearances continued on page 2)

25 Reported by: Cheryl D. Rylant, CSR, RPR

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STIPULATIONS

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys, that the web conference deposition of Glenda Powell may be taken on behalf of the Plaintiff, on October 13, 2020, in Edmond, Oklahoma, by Cheryl D. Rylant, Certified Shorthand Reporter, within and for the state of Oklahoma, taken pursuant to Agreement and the Federal Rules of Civil Procedure.

* * * * *

1 PROCEEDINGS

2 VIDEO TECHNICIAN: This is the videotaped
3 deposition of Glenda Powell, taken on behalf of the
4 Plaintiffs, in the matter of Amanda Feenstra, et al.,
5 versus Jared Sigler, et al., filed in the
6 United States District Court for the Northern
7 District of Oklahoma, Case No. 19-cv-234-JFH-FHM.

8 This deposition is being held via
9 web conference on Tuesday, October 13th, 2020. We're
10 on the record at 10:24 a.m.

11 Will counsel please state their appearances
12 for the record.

13 MR. NADKARNI: This is Sid Nadkarni of
14 Latham & Watkins, LLP, on behalf of Plaintiffs
15 Amanda Feenstra and Sharonica Carter. And I am
16 joined by my colleagues Alysha Naik and Lilia Vazova.

17 MR. PETERSON: Devan Pederson for the
18 Defendant state judges.

19 MS. KANE: Ashley Kane --

20 MR. WILLIFORD: Jon Williford -- oh, I
21 apologize, Ashley. Go ahead.

22 MS. KANE: That's okay.

23 Ashley Kane for Glenda Powell.

24 MR. WILLIFORD: Jon Williford for the
25 Oklahoma Attorney General's office, on behalf of the

1 OIDS Defendants, Craig Sutter and all of those
2 entities.

3 VIDEO TECHNICIAN: The court reporter will
4 now please swear in the witness.

5 (Oath administered.)

6 GLENDA POWELL,
7 having been duly sworn, testifies as follows:

8 DIRECT EXAMINATION

9 By Mr. Nadkarni:

10 Q. All right. We are on the record. I'll get
11 started.

12 Ms. Powell, I represent the Plaintiffs,
13 Amanda Feenstra and Sharonica Carter, in this matter,
14 which relates to the manner in which their fines,
15 fees, and court costs were assessed and calculated
16 for crimes they were convicted of in
17 Washington County and the way in which those fines
18 and fees were later enforced by the Defendants.

19 And you're here because you were designated by
20 the court clerk's office to testify in response to a
21 subpoena we sent them; right?

22 A. Yes.

23 Q. Right.

24 Ms. Powell, before we begin, I'd like to
25 provide a few ground rules to make sure that

1 everything goes off smoothly. So, first, I'll be
2 asking you some questions relating to this matter,
3 and you're obligated to answer the questions to the
4 best of your knowledge. If you don't understand
5 anything, please ask me to clarify. But if you don't
6 ask me to clarify, I will assume that you understood
7 the question; is that fair?

8 A. Yes, sir.

9 Q. And Ms. Kane is representing you as your
10 counsel today; correct?

11 A. Yes, sir.

12 Q. So, Ms. Powell, Ms. Kane may object, but you
13 are obligated to answer as long as you understand the
14 question and unless she instructs you not to answer.
15 Does that all make sense?

16 A. Yes, sir.

17 Q. Great.

18 And for the benefit of the court reporter, for
19 each question that I ask, please provide a verbal
20 response. Also, for the benefit of the court
21 reporter, please wait for me to finish any question
22 I'm in the middle of asking. And, in return, I'll
23 wait for you to finish your response. That way, the
24 court reporter will be able to record everything we
25 say clearly. Is that all correct?

1 A. Yes, sir.

2 Q. Great.

3 Is there any other reason that you cannot
4 provide complete and accurate responses to the
5 questions?

6 A. No, sir.

7 Q. Great.

8 And, finally, you may request a break at
9 any time. Just let me know. My only request is
10 that, if we're in the middle of a question, please
11 finish answering the question before we break.

12 Does that work for you?

13 A. Yes, sir.

14 MS. KANE: Sir, is there any chance you can
15 speak up a little bit louder? We've got our computer
16 as loud as it will go.

17 MR. NADKARNI: Sure. No problem. How's
18 that for a change?

19 MS. KANE: I didn't notice.

20 MR. NADKARNI: Who's this on the other end?
21 Is that Ashley?

22 MS. KANE: Yes. Ashley Kane.

23 MR. NADKARNI: Okay. I'll try to speak up.
24 But I'm speaking pretty loud right now. So I'm not
25 sure if there -- is there any way you can raise the

1 mic on your end?

2 MS. KANE: We're at 100 percent audio.

3 THE REPORTER: Ashley, this is Cheryl, the
4 court reporter. I know sometimes you can get better
5 audio through a phone line and mute your computer and
6 use it for just video. That's just a suggestion.

7 MS. KANE: Given the problems we've had
8 this morning, we may just want to stick with this, if
9 you can just talk louder, if you don't mind.

10 MR. NADKARNI: Sure. No problem.

11 Cheryl, how am I coming through on your end?

12 THE REPORTER: You're loud and clear to me.

13 MR. NADKARNI: Sure.

14 So, Ashley, if there's anything in particular
15 that you didn't get, just let me know and I'll try to
16 speak up a little bit, but I'm speaking pretty loudly
17 right now. So I'm sure you don't want me screaming
18 or using a megaphone or something like that, but
19 we'll do the best we can.

20 MS. KANE: Thank you.

21 MR. NADKARNI: Great.

22 BY MR. NADKARNI:

23 Q. So why don't we return to what we were in the
24 middle of.

25 Ms. Powell, I'm going to show you the depo

1 subpoena in this case.

2 MR. NADKARNI: Cheryl, can you please mark
3 your copy of this document as Exhibit 1 in this
4 deposition?

5 THE REPORTER: Yes, sir.

6 (Whereupon, Deposition Exhibit No. 1 was
7 marked for identification and made part of the
8 record.)

9 BY MR. NADKARNI:

10 Q. And, Ms. Powell, just to confirm, can you see
11 my screen with the subpoena that I'm sharing?

12 A. Yes, sir.

13 Q. Great.

14 Ms. Powell, have you seen this document before?

15 A. No.

16 Q. So you haven't reviewed this document,
17 at all, with your attorney; correct?

18 A. No.

19 Q. No worries. Let me scroll down a little bit.

20 This page that I'm on right now, which is
21 Exhibit A to the subpoena to the court clerk's
22 office, have you seen this page at all, in particular
23 this subsection here entitled "Topics of
24 Examination"?

25 A. I've seen it today.

1 Q. Today as in just now or today --

2 A. Uh-huh.

3 Q. -- as in before you started?

4 (Reporter clarification.)

5 BY MR. NADKARNI:

6 Q. Ms. Powell, can you speak up a little bit?

7 I'm not sure if that came in clear as to which one it
8 was.

9 A. I did see it this morning.

10 Q. Great.

11 So I'm going to quickly read through these
12 three topics of the intended examination today and
13 ask you whether you're able to testify about each
14 topic. As you see right here, the first topic is:

15 "The calculation of Plaintiff
16 Sharonica Carter's Court debt on September
17 26th, 2011, including all fines, fees, and
18 court costs noted on the final page of
19 Attachment A attached hereto?"

20 Attachment A, for your reference, is this
21 document right here with Ms. Carter's court costs
22 being calculated in -- on this page right here.

23 And going back -- going back to the topic, this
24 topic also covers:

25 "The policies or practices of the

1 Washington County Court Clerk and/or the
2 Washington County Court for calculating court
3 debt at this time."

4 Are you able to testify about this topic?

5 A. I do not fill those out as fines and costs
6 administrator. That is done by the minute clerks. I
7 have no part in that.

8 Q. Those are done by the minute clerks?

9 A. Yes, sir.

10 Q. And who are the minute clerks at the
11 Washington County Court Clerk's office at the moment?

12 A. Haley Lawrence, Gina Swan, Katie Watson, and
13 Sara Murphy. And I do the minutes for fines and
14 costs.

15 Q. So by doing the minutes for fines and costs,
16 can you explain what you mean by that?

17 A. Whenever we (audio garbled) court dates, I
18 just go up and take the minutes, when the people are
19 there and the dates that they're ordered back.

20 (Reporter clarification.)

21 BY MR. NADKARNI:

22 Q. So, Ms. Powell, if I understand correctly,
23 you take the minutes for the fines and costs reviews
24 and the setting of the court dates, but you're not
25 involved in calculating the fines and costs that

1 are -- that are given to the defendant shortly after
2 their sentencing; is that correct?

3 A. That's correct.

4 Q. Okay. For the record, I will go through the
5 second topic of examination, but it's pretty similar
6 to the first one; so I assume we're going to get the
7 same answer right here. The second topic is:

8 "The calculation of Plaintiff Amanda
9 Feenstra's court debt on May 22nd, 2015,
10 including all fines, fees, and court costs
11 noted on the final page of Attachment B
12 attached hereto, as well as the policies or
13 practices of the Washington County Court
14 Clerk and/or the Washington County Court for
15 calculating court debt at this time."

16 So I'm going to quickly scroll to
17 Attachment B to the subpoena. We are on the first
18 page of Attachment B right now. As you can tell,
19 this is a Judgment and Sentence form for Amanda Marie
20 Ackerson. And the final page, as referenced in the
21 topic, is what we are scrolled to right now. And, as
22 you can see, it looks very similar to the attachment
23 we just covered with respect to Ms. Carter.

24 So, Ms. Powell, for the record, are you able to
25 testify on the second topic of examination?

1 A. No, sir.

2 Q. And who would be the relevant individual at
3 the Washington County Court Clerk's office -- for the
4 record, who would be able to testify as to that
5 topic?

6 A. It would have been the minute clerk for the
7 judge at the time.

8 Q. And, as you said before, those minute clerks
9 are Haley Lawrence, Gina Swan, Katie Watson, and
10 Sara Murphy?

11 A. That is our current minute clerks, yes.
12 Carla Fairlie would have been a minute clerk at that
13 time, but she is no longer here.

14 (Reporter clarification.)

15 BY MR. NADKARNI:

16 Q. Okay. Ms. Powell, if you can bear with me
17 for a second, I think I remember Ms. Fairlie's
18 signature on both of Attachment A and Attachment B,
19 but, for the record, I just want to clarify that.

20 A. Yes. They are.

21 Q. So we are now back on Attachment A to
22 Ms. Carter's sentencing form, which was referenced in
23 topic 1. And is this Ms. Fairlie's signature, here
24 at the bottom?

25 A. Yes.

1 Q. So, Ms. Powell, would you say that she would
2 also be capable of testifying on the issues
3 referenced in topic 1, with respect to Ms. Carter?

4 A. I assume so. I can't answer for her, but,
5 yeah.

6 Q. Thank you.

7 And if we can move on to Attachment B which was
8 referenced in topic number 2. Is this also
9 Ms. Fairlie's signature, right here at the bottom of
10 the final page of that attachment?

11 A. Yes, sir.

12 Q. Thank you.

13 Let's move on to topic number 3 now of the
14 deposition. Topic number 3 is:

15 "All policies or practices of the
16 Washington County cost administrator, clerk,
17 judges, and/or other involved parties for
18 calculating, modifying, or canceling court
19 debt, or for establishing and modifying
20 payment plans for court debt that were in
21 place at the time, that have been implemented
22 since the calculation of Plaintiff Sharonica
23 Carter's sentencing on August 1st [sic],
24 2011, and Plaintiff Amanda Feenstra's
25 sentencing on April 29th, 2015."

1 If you can read that topic to yourself. Are
2 you able to testify about this topic?

3 A. I was not the fines and costs administrator
4 at that time.

5 Q. So you were not the fines and costs
6 administrator on August 11th, 2011?

7 A. No.

8 Q. And you were not the fines and costs
9 administrator on April 29, 2015?

10 A. No, sir.

11 Q. And on August 11, 2011, do you know who would
12 have been the fines and costs administrator?

13 A. Dana Forbes.

14 Q. And who would have been the cost
15 administrator on April 29th, 2015?

16 A. Dana Forbes.

17 Q. And for the record, do you know, roughly,
18 when Ms. Forbes stopped being the cost administrator
19 of Washington County Court Clerk's office?

20 A. I think it was, like, March of 2018, is
21 whenever I took over and she retired.

22 Q. Okay. So if I'm understanding you correctly,
23 are you capable of testifying to the policies and
24 practices implemented with respect to cost
25 administration since when you took over from

1 Ms. Forbes in 2018?

2 A. Yes, sir.

3 Q. But Ms. Forbes would be the relevant person
4 to ask as to the policies and practices before then,
5 with respect to cost administration; is that correct?

6 A. Yes, sir.

7 Q. Ms. Powell, we'll move on now to the fourth
8 and final topic of this subpoena notice. The fourth
9 topic is:

10 "Communications relating to the
11 Washington County District Court policies or
12 practices regarding the modification of court
13 debt or payment plans based upon findings at
14 proceedings referred to, in sum and
15 substance, as Rule 8 hearings, fines and
16 costs reviews, or cost docket hearings."

17 Are you able to testify about this topic?

18 A. Yes, sir.

19 Q. Thank you.

20 We can, then, put this exhibit away and move on
21 without an exhibit temporarily.

22 Ms. Powell, have you ever had your deposition
23 taken before?

24 A. Have I ever what?

25 Q. Have you ever had your deposition taken

1 before?

2 A. Yes, sir, I have.

3 Q. And how many times was that?

4 A. Once.

5 Q. And when was that?

6 A. I don't know the exact date.

7 Q. Would you say it was more or less than a year
8 ago?

9 A. Oh, it's more than a year ago.

10 Q. And was that -- was that with respect to your
11 current employment, with the Washington County
12 District Court?

13 A. Yes, sir.

14 Q. And what case was the deposition related to?

15 A. It was one that Judge DeLapp was involved in.

16 Q. Judge DeLapp?

17 A. Uh-huh.

18 Q. Do you remember, at all, whether Judge DeLapp
19 was the defendant in that case?

20 A. Yes, he was.

21 Q. Do you recall who any of the other defendants
22 were in that case --

23 A. No.

24 Q. -- if there were any other defendants?

25 A. I don't -- I don't recall any others.

1 Q. Do you remember what the -- what the topic of
2 that case was, specifically with reference to
3 Judge DeLapp?

4 A. Something about some missing documents that
5 were misfiled or something.

6 Q. And was this case brought against
7 Judge DeLapp by -- by someone who had appeared in
8 front of him?

9 A. I don't remember exactly what it was about or
10 who it was. I don't remember the names at all.

11 Q. Okay. So you don't remember who was bringing
12 the case against Judge DeLapp?

13 A. No.

14 Q. Did the case have anything to do with fines,
15 fees, or court costs imposed against any criminal
16 defendants in Washington County?

17 A. No, sir.

18 Q. Okay. Just to make sure we're clear, your
19 recollection is that it had to do with some
20 missing -- with some documents that had allegedly
21 been misfiled or misplaced by Judge DeLapp's court;
22 is that correct?

23 A. Actually, by -- I mean, yeah, I guess. By
24 the court clerk's office or Judge DeLapp's office,
25 somewhere in between.

1 Q. And that's all you recall about the specific
2 nature of that case?

3 A. Yes.

4 Q. Great. Moving on.

5 This deposition you're taking today, did you do
6 anything to prepare for this deposition?

7 A. No. Came to work.

8 Q. No problem.

9 So I'm taking it, then, you didn't review any
10 documents?

11 A. Excuse me?

12 Q. Sure.

13 So I'm assuming, then, you did not review any
14 documents to prepare for this deposition?

15 A. No. I just brought with me documents that I
16 use every day for fines and costs.

17 Q. And the documents that you brought with you
18 today for your work dealing with fines and costs,
19 could you describe what those documents are?

20 A. I brought a payment plan that I -- whenever
21 the defendants come in to set up their payment plan,
22 I use a certain form, and I brought that with me. I
23 brought the Rule 8 form that we use. I brought the
24 Rule 8 form that we hand out to everyone whenever
25 they're in court, along with their pink slip that has

1 their court date on it, along with our website page.
2 We have a page that we have the website listed on
3 that they can call in and make their payments if they
4 choose to do so.

5 (Reporter clarification.)

6 MR. NADKARNI: And perhaps this is a
7 question better directed to Ms. Kane, but are you
8 aware of whether all those documents have been
9 produced to us, in response to one of the subpoenas
10 that we sent to the court clerk's office?

11 MS. KANE: I am unaware.

12 MR. NADKARNI: No problem. So we may want
13 to follow up off the record when we have a chance,
14 but we would like to request production of any
15 document that hasn't been produced to us, if that's
16 the case. But if there's any questions, I'm happy to
17 discuss more off the record.

18 BY MR. NADKARNI:

19 **Q. So, Ms. Powell, moving back to yourself.**

20 **Did you meet with anyone, in connection with**
21 **preparing for this deposition?**

22 A. I met with Ashley this morning -- that was
23 it -- before we went on -- online.

24 **Q. So that was the first time you met with**

25 **Ms. Kane --**

1 A. Yes.

2 Q. -- for the preparation of this deposition?

3 A. Yes, sir.

4 Q. Did you meet with or speak to Mr. Pederson,
5 at all?

6 A. No. This morning, I mean. This morning I
7 did, but not before. He was here with Ashley.

8 Q. So you met with him, in the sense that you
9 met him when he came in to sit for the deposition?

10 A. Yeah. They were trying to get online and get
11 all that stuff done, and we visited for a minute.

12 Q. Did you meet with Mr. Pederson for the
13 purpose of preparing for the deposition at all?

14 A. No.

15 Q. Great.

16 And same questions with respect to
17 Mr. Williford. Did you meet with Mr. Williford
18 at all, in connection with the preparation for this
19 deposition?

20 A. I don't know who Mr. Williford is.

21 Q. No problem. That should answer the question
22 perfectly.

23 With respect to Washington County Judge
24 Jared Sigler, have you met with Mr. Sigler, in
25 connection with preparing for this deposition?

1 A. No, sir.

2 Q. And you haven't spoken to Mr. Sigler in any
3 other form, in connection with preparing for this
4 deposition; is that correct?

5 A. No, sir. I have not.

6 Q. Have you spoken to Judge Linda Thomas, in
7 connection with preparing for this deposition?

8 A. No, sir.

9 Q. Have you spoken to Judge Russell Vaclaw, in
10 connection with preparing for this deposition?

11 A. No, sir.

12 Q. Have you spoken to Craig Sutter, who is the
13 executive director of the Oklahoma Indigent Defense
14 board, in connection with preparing for this
15 deposition?

16 A. No, sir.

17 Q. And have you spoken to anyone else from the
18 Oklahoma Indigent Defense System, which I'll refer to
19 as "OIDS" for short, or the OIDS board of directors,
20 in connection with preparing for this deposition?

21 A. No, sir.

22 Q. Perfect. So moving on.

23 I'd like to discuss a little bit about your
24 work history with the Washington County District
25 Court Clerk, which I think it sounds like we've

1 already covered a little bit, in connection with
2 going through the topics of examination.

3 But, Ms. Powell, for the record, could you
4 please state where you currently work?

5 A. The Washington County Court Clerk's office.
6 I'm the first deputy.

7 Q. So your title is that you are the first
8 deputy court clerk?

9 A. Yes, sir.

10 Q. Is it a separate title you have, that you're
11 the cost administrator?

12 A. I guess. I mean, I'm first deputy and the
13 fines and cost administrator. I do the tax
14 intercept. There are several different things that I
15 do.

16 (Reporter clarification.)

17 BY MR. NADKARNI:

18 Q. And what are some of the other things you do
19 in your position as first deputy court clerk? We
20 heard cost administration, tax intercept. Is there
21 anything else that's particularly delegated to you?

22 A. Whenever the civil clerk is gone, then I'm
23 responsible for her desk. That's where I left from,
24 was the civil desk. And I'm just kind of in charge
25 of everyone out in the office if the court clerk is

1 gone. I do the deposits and...

2 Q. And by "deposits," do you mean payments to
3 the court?

4 A. Yes. The monthly -- or the daily deposits
5 that we get each day I take to the county clerk, the
6 treasurer.

7 Q. Would that include payments to the court from
8 criminal defendants who owe fines, fees, or court
9 costs to Washington County?

10 A. Yes. That's what we collect each day.

11 Q. And for the record, by "civil desk," that
12 refers to noncriminal cases; is that correct?

13 A. That's correct, yes.

14 Q. And, Ms. Powell, how long have you held that
15 title, of first deputy court clerk?

16 A. Since March of 2018.

17 Q. So that's the same amount of time that you've
18 held the title of cost administrator?

19 A. Yes. I helped out as cost administrator
20 whenever she was unavailable, but, other than that, I
21 didn't start until March of 2018, when she retired.

22 Q. So how often would you say you helped out the
23 cost administrator before then?

24 A. Anytime she was gone on vacation or whatever,
25 then I filled in. I just fill in wherever I'm

1 needed.

2 Q. Would you say that was a few times a year or
3 more often than that?

4 A. Well, quite a few times. I mean, you know,
5 I -- I don't ever count. I just do what I'm supposed
6 to be doing.

7 Q. Sure. No problem.

8 But just to clarify, your work as a fill-in
9 cost administrator did not overlap with what we
10 showed you earlier regarding the time period in which
11 Ms. Feenstra or Ms. Carter was having their fines,
12 fees, and court costs calculated by the Washington
13 County District Court?

14 A. No.

15 Q. And, in total, how long have you worked with
16 the Washington County Court Clerk's office?

17 A. I started -- let's see -- February of 2016.

18 Q. Is that February of 2016 or 2015?

19 A. 2016.

20 Q. So you began working with the court clerk in
21 February 2015?

22 A. Uh-huh.

23 Q. Right. Why don't we move on to talking about
24 your current position as cost administrator.

25 Ms. Powell, as cost administrator, what are

1 **your responsibilities?**

2 A. Whenever a defendant comes down to set up
3 their fines and costs, they have a yellow slip that
4 they bring down to me, and I calculate what I already
5 have on the Kelpro system with what is on the pink --
6 or the yellow slip and add that all up, and that's
7 what's put on their payment plan.

8 And then I -- they already have a pink slip
9 when they come down for their return court date. I
10 go over the Rule 8 hearing with them and let them
11 know that I have the form if they choose to fill one
12 out. And that's about it.

13 **Q. Sure.**

14 **So, Ms. Powell, I'd just like to break that**
15 **down a little bit so we can distinguish that from**
16 **what you referred to earlier as the minute clerk**
17 **doing.**

18 **So the yellow slip that they bring down with**
19 **them for the purpose of setting up their payment**
20 **plan --**

21 A. Uh-huh.

22 **Q. -- is this after their total amount has**
23 **already been itemized and given to them by the minute**
24 **clerk?**

25 A. No. I -- they bring down the yellow slip

1 with what the minute clerk upstairs puts on there, as
2 far as the fines and costs or the extra fines. And
3 then they bring that down to me, and I add it to what
4 I already have on the computer. That was put on
5 there whenever they were charged.

6 Q. Okay. So the minute clerk fills out the
7 yellow slip, and they bring it down to you; is that
8 correct?

9 A. Uh-huh.

10 Q. And then, once they give you that slip, you
11 add it to what you already have on the computer for
12 the purpose of calculating a payment plan for them?

13 A. Yes.

14 Q. And what specifically do you have on the
15 computer in front of you that you, then, consider
16 along with what's on the yellow slip?

17 A. Once they are charged -- when a charge comes
18 down to our office, it is -- we've got a template
19 that is put on for that specific charge, and those
20 fees are already added on the computer. So I add
21 those with whatever is on the yellow slip, and that's
22 what their total is for their fines and costs that
23 they are going to pay off.

24 Q. So the template that's put on for that
25 specific charge, what's included in that template?

1 A. There's just separate fees for the court fund
2 fee, whatever is set out by -- Kelpro puts those
3 templates on, and whatever is set out for that charge
4 is what's put on the computer.

5 **Q. And just so we're clear, those fees that**
6 **are -- that are included in the template that's on**
7 **your computer, are those fees fees that are not on**
8 **the yellow slip?**

9 A. That's correct. Those are not on the yellow
10 slip.

11 **Q. And, Ms. Powell, are there any other**
12 **responsibilities you have as cost administrator?**

13 A. I take payments from people, every day. We
14 do credit card payments. And people come in and pay
15 cash at the window. If anyone needs to change their
16 payment plan, I'm responsible for changing that. If
17 they need to lower the amount that they're paying,
18 then I'm responsible for doing that. I send out
19 letters to people who have not appeared in court that
20 had court dates.

21 **Q. Okay. So to make sure I'm understanding that**
22 **correctly, you referenced that you take payments from**
23 **people for their outstanding costs, fines, or fees**
24 **owed to Washington County. You are -- you assist**
25 **people with changing their payment plans?**

1 A. Uh-huh.

2 Q. And you send letters to people who have not
3 appeared in court for their fines and cost reviews?

4 A. Yes.

5 Q. Great.

6 Are those all the responsibilities that you
7 have?

8 A. Well, I do tax intercept. And, as I said, I
9 help out the civil desk and whoever else needs help
10 out in the area that -- you know, the other minute
11 clerks -- or the other court clerk deputies, I'll sit
12 in.

13 Q. Do you ever fill in for the minute clerk?

14 A. I only do minutes for the fines and costs on
15 Fridays.

16 Q. Okay. So you've never filled in as the
17 person who initially fills out the -- the court costs
18 and specific fees that the defendant brings -- brings
19 them right after sentencing --

20 A. No, sir.

21 Q. -- is that correct?

22 A. I have not.

23 Q. And in -- and in your previous role with the
24 court clerk's office before you became cost
25 administrator, did you ever fill in as minute clerk

1 then?

2 A. No, sir.

3 Q. And, Ms. Powell, you referenced that this
4 template on your computer is set up by a company
5 called Kelpro?

6 A. Yes, sir. They are Kelpro support. They're
7 our support team. And once -- anytime the fees are
8 changed, they always automatically put the template
9 on there for us.

10 Q. Okay. So if I'm understanding correctly,
11 they're a company that calculates the fees and
12 arranges it in a template that you can input numbers
13 into based on the -- based on the way the fees are
14 currently set?

15 A. Yes. If the statute says that they changed
16 those fees, then they change the fees for us. Or
17 they'll send us a fee schedule, and our court -- my
18 court clerk will put those on.

19 (Reporter clarification.)

20 BY MR. NADKARNI:

21 Q. And, Ms. Powell, how many defendants before
22 the Washington County District Court would you say
23 you interact with on a weekly basis as cost
24 administrator?

25 A. Oh, I don't know. Several. Some days are

1 really busy. Some days aren't.

2 Q. So would you say --

3 A. There are some days I don't eat lunch.

4 Q. No worries. I know the feeling.

5 Would you say it's more or less than 10 per
6 week?

7 A. Oh, way more than 10 per week.

8 Q. Would you say it's around 20 a week?

9 A. Oh, I'd say sometimes close to 50 a week, if
10 not more.

11 Q. Are you able to estimate what a typical
12 number of defendants might be on a week that you
13 interact as cost administrator?

14 A. I wouldn't have -- I would have no idea.
15 I mean, sometimes it's so busy that you just --
16 you know, you don't have time to do anything. So...
17 I never take a lunch hour. I'll put it that
18 way.

19 Q. And how many payment plans would you say you
20 set up on a typical week?

21 A. It just depends on if we have prelims and
22 people are sentenced. They can't set those payment
23 plans up until they're sentenced.

24 Sorry about that. Fire truck is going by.

25 (Reporter clarification.)

1 THE WITNESS: If they have prelims and they
2 are sentenced. Whenever someone is sentenced, they
3 bring those slips down to me, and I set their payment
4 plan up.

5 BY MR. NADKARNI:

6 Q. Sure.

7 So would you say it's more or less than 10
8 payment plans a week?

9 A. Oh, definitely more. If we have -- if we
10 have hearings and people are sentenced, then they
11 usually come right down and set up their payment
12 plans.

13 Q. And, Ms. Powell, in your capacity as cost
14 administrator, have you had any connection -- any
15 interactions with Plaintiff Sharonica Carter?

16 A. No.

17 Q. Have you ever corresponded with Ms. Carter?

18 A. No.

19 Q. Have you ever had any interactions with
20 Plaintiff Amanda Feenstra?

21 A. No.

22 Q. And just for the record, I will represent
23 that I believe Ms. Feenstra's case with the
24 Washington County District Court is in the name of
25 Amanda Marie Ackerson, which is her maiden name.

1 Does that change your answer?

2 A. The only time I would is if she's paying
3 fines and costs, and I've not been in connection with
4 her at all.

5 Q. Have you ever corresponded with Mrs. Feenstra
6 in any other way?

7 A. No.

8 Q. And, Ms. Powell, I know you mentioned the
9 minute clerk earlier. But aside from the cost
10 administrator and the minute clerk, are there any
11 other folks working at the courthouse who calculates
12 the costs and fees of criminal defendants?

13 A. Not at this time. I'm the only one that does
14 the fines and costs.

15 Q. Are there any other folks who work on the
16 payment plans of criminal defendants who owe
17 outstanding amounts of fines, fees, and costs?

18 A. Our court clerk. Sometimes if I am busy
19 with, you know, several different people, then she
20 will step in and do a payment plan. But other than
21 that, no. Usually they just wait in the hall.

22 Q. Can you -- and by "court clerk," who are you
23 referring to?

24 A. Jill Spitzer.

25 Q. And is Ms. Spitzer your supervisor?

1 A. Yes, sir.

2 Q. And are there any other folks that you report
3 to in your role as first deputy clerk?

4 A. No, sir.

5 Q. Are there any other employees who you report
6 to in your role as cost administrator?

7 A. No.

8 Q. Great.

9 So, Ms. Powell, as I mentioned earlier, this
10 lawsuit concerns the fines, fees, and costs assessed
11 on criminal defendants in Washington County. Are you
12 familiar with the claims in this case, by the way?

13 A. Am I familiar with what?

14 Q. Are you familiar with the legal claims that
15 have been brought in this case?

16 A. I have reviewed what they've given me, but,
17 other than that, no.

18 Q. When you say "what they've given you," could
19 you explain what that is?

20 A. The exhibit that you have that you're -- what
21 you're going to be asking.

22 Q. So just the exhibit to the deposition
23 subpoena that was covered earlier?

24 A. Uh-huh.

25 Q. Do you have any other -- any other particular

1 understanding of the legal claims that have been
2 brought in this case?

3 A. No. I haven't -- I haven't followed it
4 at all.

5 Q. So, Ms. Powell, what's your understanding of
6 what the term "fines" refers to, as used by the
7 Washington County District Court?

8 A. Am I familiar with what it's for?

9 Q. Sure. Let me rephrase that.

10 So, as this case is about the fines, fees, and
11 court costs owed by criminal defendants in
12 Washington County, I'd like to talk about the term
13 "fines."

14 What's your understanding of what the court is
15 referring to when it uses that term?

16 MR. PEDERSON: Object to form.

17 THE WITNESS: It's just what their fine --
18 their fines are whenever the judge assesses the fines
19 and costs to them.

20 (Reporter clarification.)

21 BY MR. NADKARNI:

22 Q. And same question with respect to the term
23 "fees." What's your understanding of what the term
24 "fees" refers to, with respect to the fees that are
25 assessed against criminal defendants?

1 A. Well, all I know is, once I get that yellow
2 slip down, it has fines and costs on it. And the
3 fines that are added to them upstairs once they have
4 court, once they're sentenced, that's what I put on
5 the payment plan.

6 **Q. And same question with respect to the term**
7 **"court costs." What's your understanding of what the**
8 **term "court costs" refers to, with respect to the**
9 **court costs imposed against defendants in**
10 **Washington County?**

11 A. The same answer. I mean, I just put on
12 whatever I'm sent down from upstairs, what goes on
13 their payment plan.

14 **Q. And, Ms. Powell, you referenced earlier those**
15 **court costs are calculated by entering numbers into a**
16 **template that Kelpro sends you?**

17 A. It's -- it's by statute. If they raise the
18 fees and fines and costs -- the fees, then they're
19 put in by Kelpro or by Jill.

20 **Q. So the Kelpro template, just so we're clear,**
21 **does that -- does that calculate just fees or**
22 **court costs as well?**

23 A. No. It's for the fees.

24 **Q. And are the court costs, then, calculated by**
25 **the minute clerk?**

1 A. Yes -- well, actually by the judge. The
2 judge sets them. The minute clerk just writes it
3 down.

4 **Q. So if I'm understanding you correctly, you**
5 **wouldn't have any particular knowledge of how the**
6 **judge sets those court costs?**

7 A. No.

8 **Q. Great.**

9 **Ms. Powell, do you receive any training in**
10 **connection with your job as cost administrator?**

11 A. We go to classes. They -- Kelpro puts on
12 classes, and the state puts on -- AOC puts on
13 classes. We have classes that we take through the
14 OSU extension. We have to have so many hours of
15 credit by, you know, going to school, by going to
16 class; so we have to keep up with that.

17 **Q. In those classes, what sort of topics are**
18 **covered in them?**

19 A. Just a little bit of everything. We have
20 fines and costs. There's things on civil issues.
21 There's small claims that you go to. The Kelpro
22 classes that we go to is informative, as far as what
23 we can and can't do on the computer as far as
24 different -- oh, codes and things that you can --
25 that helps you, that's quicker to use. It's just

1 informative classes on what we do each day.

2 **Q. Are these classes all online or are there any**
3 **in-person classes?**

4 A. No. Some of them are in person and some of
5 them are online. We just -- they just started doing
6 the virtual classes because of the COVID issue.

7 **Q. And with respect to training you receive as**
8 **cost administrator, are there any particular**
9 **individuals that are responsible for that training?**

10 A. Just the -- just the training that we get
11 from the classes that are put on. And then I was
12 trained by the previous cost administrator. I sat
13 with her for almost a year.

14 **Q. So the classes that are put on, do you recall**
15 **the specific names of anyone who runs those classes**
16 **or teaches at those classes?**

17 A. The names of what?

18 **Q. Of anyone who administers those classes that**
19 **you take, in connection with your training as cost**
20 **administrator.**

21 A. Just the OSU extension center. They have
22 different -- different classes different places that
23 we used to go to. And there were -- everyone was
24 different whenever you'd go. They'd have a different
25 instructor every time.

1 Q. Okay. Do you receive any training regarding
2 Rule 8 of the Oklahoma Court of Criminal Appeals?

3 A. Do I do what now?

4 Q. Sure. Let me speak up a bit.

5 Do you receive any training regarding Rule 8 of
6 the Oklahoma Court of Criminal Appeals?

7 A. No.

8 Q. All right. Ms. Powell, you may have just
9 answered this question for me, but, just for the
10 record, I'd like to go through a document with you so
11 we can expand on that just a little bit.

12 A. Okay.

13 Q. Ms. Powell, can you see this document right
14 now titled Title 22, Criminal Procedure, Chapter 18?

15 A. Uh-huh. Yes.

16 MR. NADKARNI: And, Cheryl, can you please
17 mark this document, your copy, as Exhibit 2 to this
18 deposition?

19 THE REPORTER: Yes.

20 (Whereupon, Deposition Exhibit No. 2 was
21 marked for identification and made part of the
22 record.)

23 BY MR. NADKARNI:

24 Q. And, Ms. Powell, have you seen a -- this
25 document before or any other document that references

1 section 8 -- or Rule 8 of the Oklahoma Court of
2 Criminal Appeals?

3 A. No. That's not a form that I have.

4 Q. Sure.

5 So, Ms. Powell, if you could briefly read here
6 Rule 8.1, Judicial Hearings. If you can read that
7 statement below as to the rule, where it states:

8 "Wherein the judgment and sentence of
9 the court, either in whole or in part,
10 imposes a fine and/or costs upon a defendant,
11 a judicial hearing shall be conducted and
12 judicial determination made, absent
13 defendant's ability to immediately satisfy
14 the fine and cost. See Section 983,
15 Subparagraph B, of Title 2."

16 Do you receive any training on how to
17 determine whether a defendant is able to immediately
18 satisfy fine and cost?

19 A. No.

20 Q. And I take it that's because it's not part of
21 your job?

22 A. No, sir. I don't -- I don't handle that
23 part.

24 Q. No problem.

25 I'm going to go through a similar line of

1 questioning with respect to a few other parts of
2 these rules. I'd like to go down now to Rule 8.3
3 that -- you can see it here right on the sheet --
4 which is titled "Ordering Installment Payments and
5 Fixing the Date."

6 And this rule right here, I don't think we need
7 to read the entire rule. But, Ms. Powell, do you see
8 in this rule where there is a reference to the
9 payment of installments in reasonable amounts where
10 it says:

11 "The court may order the defendant to
12 make payment of installments in reasonable
13 amounts and fix the due date of each payment
14 and may order the defendant to appear before
15 the court on each due date"?

16 A. Yes.

17 Q. Do you receive any training on how to
18 determine what a "reasonable installment amount" is?

19 A. No. All we have -- all we do is ask the
20 defendant what they are able to pay, and that's what
21 goes on their payment plan.

22 Q. So any further training in determining what a
23 reasonable amount -- installment amount is, that's
24 not -- that's not part of your job?

25 A. No. All I do is ask them what they're able

1 to pay, and that's what goes on their payment plan.
2 That's what they are to pay monthly. And then I give
3 them 30 days before they make their first payment and
4 give them -- they are given a court date upstairs for
5 court; so that's what goes on their payment plan,
6 when they're supposed to return. But they determine
7 the amount they are able to pay.

8 Q. And, Ms. Powell, we can ask a similar
9 question related to Rule 8.4 which is entitled
10 "Failure to Make Installment Payments When Due."

11 If you can briefly review this rule, and if you
12 can read the sentence that says:

13 "If no satisfactory explanation is
14 given at the hearing on failure to pay, the
15 defendant may, then, be incarcerated."

16 Do you receive any training on how to
17 determine what a "satisfactory explanation" is for a
18 defendant's failure to pay?

19 A. No. On a Rule 8, they go before the judge.
20 I don't make that determination.

21 Q. And if you could briefly review Rule 8.5.
22 And this rule states:

23 "In the event the defendant, because
24 of physical disability or poverty, is unable
25 to pay fine and/or costs, either immediately

1 or in installment payments, he/she must be
2 relieved of the fine and/or costs or, in the
3 alternative, be required to report back to
4 court at a time fixed by the court to
5 determine if a change of condition has made
6 it possible for the defendant to commence
7 making installment payments towards
8 satisfaction of fine and/or costs."

9 So specifically with the clause regarding the
10 defendants being unable to pay because of physical
11 disability or poverty, do you receive any training on
12 how to determine when a defendant can be determined
13 to be unable to pay because of physical disability or
14 poverty?

15 A. If we have someone that fills out a Rule 8
16 form, that is determined by the judge.

17 Q. So that's the judge's determination?

18 A. Yes.

19 Q. And that's not part of your job?

20 A. I don't determine that, no. They have to
21 bring documentation to prove that, you know. And
22 that's -- that's his -- up to him. All I do is take
23 the Rule 8 form when they bring it in and fill it
24 out.

25 Q. And, Ms. Powell, I know you referenced

1 earlier that your calculations are done with the
2 assistance of the template created by Kelpro. But to
3 expand on that, did any judge ever explain to you how
4 to do any of these calculations?

5 A. No.

6 Q. Okay. I'd like to move on to another
7 document. This is tab 3 in the folders that have
8 been sent out.

9 MR. NADKARNI: Cheryl, if you can please
10 mark your copy of this as Exhibit 3 in this
11 deposition.

12 (Whereupon, Deposition Exhibit No. 3 was
13 marked for identification and made part of the
14 record.)

15 BY MR. NADKARNI:

16 Q. Ms. Powell, do you recognize the general
17 format of this document? Feel free to take a few --

18 A. I have seen --

19 Q. -- minutes to review it.

20 A. I have seen it before.

21 Q. And when you say you've seen it before, are
22 you saying that you have seen a Plea of Guilty
23 Summary of Facts before or that you have seen this
24 particular summary with respect to --

25 A. No.

1 Q. -- Amanda Ackerson --

2 A. Not that particular one. I've just seen them
3 before. I know the form. It's nothing that I handle
4 though. I've seen the form.

5 Q. Sure.

6 And, Ms. Powell, do you know what the purpose
7 of this type of document is?

8 A. I -- I have nothing do with that at all, so
9 -- I'm not involved in that; so I don't know.

10 Q. Do you know whether this type of document,
11 the Plea of Guilty and Summary of Facts -- do you
12 know whether this is filled out before the defendant
13 goes to the court clerk's office to calculate their
14 fees and costs or if it's done afterwards?

15 A. I think it's done afterwards. The minute
16 clerk does that; I don't. So I don't know.

17 Q. All right. So if I understand you correctly,
18 you're saying the minute clerk would be more familiar
19 with the actual timing of when this document is
20 filled out?

21 A. Yes. Yeah. I don't have anything to do with
22 that.

23 Q. All right. Ms. Powell, I'll avoid asking you
24 too many questions about the general purpose of this
25 document, but I'd like to go to page 5, item 23.

1 This item right here is a summary -- I'll represent
2 to you -- in the defendant's writing of their
3 understanding of the plea agreement. And there are a
4 few references here as to what all composes the
5 fines, fees, and costs they're required to pay as
6 part of their plea agreement.

7 If you can briefly review these lines. I know
8 the writing is probably a little bit difficult to
9 read. But if you could look down to the third line
10 of the handwriting where there is a reference to
11 fines and costs. Are you able to read that writing
12 as to -- as to what is stated there?

13 A. Uh-huh.

14 Q. So do you see where it says "\$500 fine,
15 \$250 VCA, costs, \$250 OIDS fee" --

16 A. Uh-huh.

17 Q. -- "JIF and DA fee"?

18 A. Uh-huh.

19 Q. Do you see that all here?

20 A. Yeah, I can see that.

21 Q. So the \$500 fine, do you have any
22 understanding of how that amount is calculated?

23 A. I have no idea.

24 Q. So I take it the fines are not your purview;
25 is that correct?

1 A. Pardon?

2 Q. So I take it the fines are not part of
3 your -- of your role as cost administrator?

4 A. I don't use this form to do my fines and
5 costs, no.

6 Q. Are you involved in calculating fines at all?

7 A. The only thing I do is whenever I get the
8 yellow slip down from the court after they're
9 sentenced, I add that up with what is on the
10 computer. And that's all I do. I don't put anything
11 on these forms that you've got here.

12 Q. And do you have any knowledge as to when the
13 fines for a particular defendant, such as
14 Ms. Ackerson in this case, are calculated?

15 A. Okay. Repeat that again, please.

16 Q. Sure.

17 So this \$500 fine that's referenced here on
18 this plea agreement for Ms. Ackerson, do you have any
19 knowledge as to when that amount is calculated?

20 A. It was in April of 2015 is all I know, is
21 what the date is on the form. April 29th of 2015.

22 Q. And, Ms. Powell, looking at this form, it
23 appears from this document that the defendant is
24 advised as to the specific numerical amount of the
25 fine that they owe; is that correct?

1 A. From what it looks like to me, yes.

2 Q. Is that consistent with your understanding of
3 what happens in practice?

4 A. Pardon?

5 MR. PEDERSON: Object to form.

6 BY MR. NADKARNI:

7 Q. Based on your experience with the court
8 clerk's office, is it your experience that the
9 defendant is advised of the amount of fines by no
10 later than when they enter their plea?

11 A. They sign -- they sign the form themselves,
12 the defendant does.

13 MR. WILLIFORD: Can I just make a quick
14 point of clarification for everybody, that if an
15 objection is made by one party, it's good for all
16 parties, just so we don't have to repeat everything?
17 Is that agreeable to everyone?

18 MR. NADKARNI: There's no objection on --
19 to that practice on our end, either.

20 (Reporter clarification.)

21 BY MR. NADKARNI:

22 Q. Ms. Powell, let's move on to fees. If you
23 notice here, there is a \$250 OIDS fee; correct? And
24 a -- and then there's something called the JIF. Is
25 that a fee as well?

1 A. Jail incarceration fees.

2 Q. And then there's also a DA fee; right?

3 A. There's a what?

4 Q. And then the next item in this line appears
5 to be a DA fee; correct?

6 A. I don't see that on this form.

7 Q. Sure. So --

8 A. Is that VCA or DA?

9 (Reporter clarification.)

10 THE WITNESS: Yes. Did he say VCA, V as in
11 Victor, CA? Or DA?

12 BY MR. NADKARNI:

13 Q. Oh. DA.

14 A. I don't show a DA fee on here. Oh. DA fee,
15 yeah. Yeah. It's written on there, but there's
16 nothing there.

17 Q. And then, lastly, there's also a \$250 VCA?

18 A. Uh-huh.

19 Q. Do you know what VCA means?

20 A. Victims compensation.

21 Q. And is that a fee as well?

22 A. Yes.

23 Q. And then there is -- there's a reference to
24 just costs without a number as well; correct?

25 A. Yes.

1 Q. And do you know when these costs are
2 calculated, such that there would be able to be a
3 numerical amount next to -- next to this form right
4 here?

5 A. I have no idea because I don't put those on
6 there. I mean, I don't use that form; so I have no
7 idea. They're -- probably in court, but I don't
8 know.

9 Q. So if we look at this whole summary right
10 here as to what the fine, fees, and court costs are,
11 am I correct in stating that the plea sheet does not
12 appear to list the specific amount of costs?

13 MR. PEDERSON: Sorry, Sid. I didn't hear
14 you.

15 MR. NADKARNI: Sure. Let me speak up
16 again.

17 BY MR. NADKARNI:

18 Q. Just looking at -- looking at this summary of
19 the -- of the fines, fees, and costs listed in
20 this -- in Ms. Ackerson's plea, am I correct in
21 stating that the specific amount of costs are not
22 listed here?

23 A. That's correct.

24 Q. And it appears that the specific amounts of
25 all the fees are not listed here as well; correct?

1 A. That's correct.

2 Q. And, Ms. Powell, I apologize. Your previous
3 answer may have already explained this in part, but
4 just for the record. Is it part of your job, as cost
5 administrator, to communicate the total amounts of
6 fees and costs to the judge before a sentence is
7 imposed?

8 A. No. I don't -- I don't do anything with the
9 judge until I get the yellow slip down from the
10 minute clerk that states what I'm supposed to add to
11 what's already on the system.

12 Q. So you have no interaction with the judge
13 before you get that yellow slip from the --

14 A. No.

15 Q. -- from the clerk's office; is that correct?

16 A. That's correct.

17 Q. Is it part of your job, as cost
18 administrator, to communicate the total amount of
19 fees and costs to the prosecutor before the sentence
20 is imposed?

21 A. No.

22 Q. And is it part of your job, as cost
23 administrator, to communicate this total amount to
24 the defendants before sentence is imposed?

25 A. No. That's after they are sentenced.

1 Q. So if I'm summarizing correctly, it sounds
2 like you don't have any involvement with
3 communicating the total amount of fines, fees, and
4 costs until after the sentencing; is that correct?

5 A. That's correct.

6 Q. And are you aware of whether anyone else
7 provides the total number to the defendants or their
8 counsel before the plea is entered?

9 A. As far as I know, no. There is no one.

10 Q. Great.

11 MR. NADKARNI: Why don't we go off the
12 record, if counsel will agree, and take a 10-minute
13 break. I know we've been sitting in this for about
14 90 minutes now. Does that work for everyone?

15 MR. WILLIFORD: It works for me.
16 Jon Williford.

17 THE REPORTER: We will go off the record.
18 The time is 11:37 a.m.

19 (Break was taken: 11:37 a.m. to 11:56 a.m.)

20 THE REPORTER: We will be back on the
21 record. The time is 11:56 a.m.

22 BY MR. NADKARNI:

23 Q. All right. Ms. Powell, I'd like to share
24 another document with you.

25 A. Okay.

1 Q. This is tab 4 in the binder that has been
2 provided to opposing counsel and your counsel
3 as well. Are you able to see this document?

4 A. Yes.

5 Q. Great.

6 MR. PEDERSON: Cheryl, can you please mark
7 your copy of this document as Exhibit 4 in the
8 deposition?

9 THE REPORTER: Yes.

10 (Whereupon, Deposition Exhibit No. 4 was
11 marked for identification and made part of the
12 record.)

13 BY MR. NADKARNI:

14 Q. Ms. Powell, do you recognize the format of
15 this document?

16 A. Yes. I have seen it. I have seen the form.

17 Q. And do you know what the purpose of this
18 document is?

19 A. I have no idea. I don't have anything to
20 do with it. That's done in court.

21 Q. Okay. So you recognize the form, but you
22 don't have anything to do with putting it together?

23 A. No, sir. I do not.

24 Q. Ms. Powell, if we can go down to the two
25 categories in this document. If you look down, do

1 you see where there's an X next to the word "state
2 recommends"?

3 A. Uh-huh.

4 Q. And then there is a -- there's a writing as
5 to what part the sentence is?

6 A. Uh-huh.

7 Q. And do you see below that, on the next line
8 of handwriting, there is an X next to the words
9 "court sentences/adds" with "adds" circled, and then
10 additional amounts written in on that line and the
11 line below?

12 A. Uh-huh. Yes, I see it.

13 Q. And between these two -- these two
14 handwritten lines next to where it says "state
15 recommends" and next to where it says "court
16 sentences/adds," do you recognize any of the writing
17 to relate to specific court fees that the defendant
18 will owe?

19 A. Now, what was your question again?

20 Q. Sure.

21 So the information that's handwritten on those
22 two lines we referenced, do you -- do you recognize
23 any of that information as relating to specific court
24 fees that the defendant will owe?

25 A. Yes.

1 Q. And what are those specific fees that are
2 referenced here?

3 A. Well, for the \$500 fine, the 250 VCA, and the
4 250 OIDS fee. And then there will be jail
5 incarceration fees, which we don't know what that is.

6 Q. And then above -- above that, on the line
7 that says "state recommends," if you look where it
8 says "F&C," do you understand that to refer to fines
9 and cost?

10 A. Uh-huh.

11 Q. And, Ms. Powell, in your experience helping
12 defendants calculate the total amount of fees they
13 owe, do you know if there's any other fees that
14 defendants typically pay that aren't listed here?

15 A. All I put down is what they send down on that
16 yellow piece of paper for the fines and costs
17 whenever they're in court. I don't determine what
18 they put on there. The judge does that. And the
19 minute clerk puts those on there.

20 Q. Great.

21 Why don't we move on to the next document in
22 this case then. We will move to tab 5 in the folder
23 that was sent out.

24 MR. NADKARNI: Cheryl, if you can mark this
25 as Exhibit 5 in your copy of the documents.

1 THE REPORTER: Okay.

2 (Whereupon, Deposition Exhibit No. 5 was
3 marked for identification and made part of the
4 record.)

5 BY MR. NADKARNI:

6 Q. Ms. Powell, are you able to view a copy of
7 that document?

8 A. Pardon?

9 Q. Are you able to see a copy of that document?
10 Tab 5?

11 A. Yes. I see it.

12 Q. And have you seen this document before?

13 A. Yes. I see them -- I mean, I have seen them
14 before.

15 Q. And this appears to be a form memorializing
16 the judgment and sentence; correct?

17 A. Yes.

18 Q. And if we go down to the end of this
19 document, before the attachment, this appears to be
20 signed by Ms. Fairlie; is that correct? At the
21 bottom of page 3?

22 A. By who.

23 Q. By Carla Fairlie?

24 A. Yes.

25 Q. And then, if we can go up to the very top of

1 the document again. And the first line says:

2 "Now, on this 29th day of April, 2015,
3 this matter comes on before the undersigned
4 judge for sentencing."

5 Do you understand that to mean that this is
6 the date of sentencing for Ms. Amanda Marie Ackerson?

7 A. That it was the sentencing date for her? Is
8 that what you said?

9 Q. That's correct. That's correct.

10 A. Yes.

11 Q. Great.

12 So why don't we move down to page 3 of this
13 exhibit again. Do you see this title at the top of
14 page 3 that says "Costs, VCA, Restitution"?

15 A. Yes.

16 Q. So the very first line that says, "The
17 defendant is to pay a victim compensation
18 assessment," that refers to a \$250 VCA fee; correct?

19 A. Uh-huh.

20 Q. And then, on the second line where it says,
21 "The defendant shall pay costs, fees, and restitution
22 in accordance with schedules," do you have any idea
23 what they mean by "schedule"?

24 A. I have no idea. I mean, I don't do that
25 form; so I don't have any idea what they mean.

1 Unless it means by their payment plan. I don't know.
2 Restitution I don't have anything to do with. That's
3 through the DA's office.

4 Q. And then, on the fourth line down, do you see
5 the paragraph beginning with: "The defendant shall
6 pay sheriff incarceration fees" --

7 A. Uh-huh.

8 Q. -- "pursuant to 22 O.S. 979a"?

9 A. Uh-huh.

10 Q. And then do you see the line that refers to
11 attorney fees where it says:

12 "The defendant shall pay
13 court-appointed attorney fees in the amount
14 of \$250 as per schedule"?

15 A. Yeah. I see that. Uh-huh.

16 Q. And does that -- does that reference the fee
17 paid for their representation by -- by their OIDS
18 defender?

19 A. I have no idea. I don't know what that -- it
20 probably is, but I don't know that for sure.

21 Q. So, Ms. Powell, looking at this document --
22 and feel free to take more time to review this page
23 if you need it.

24 In your experience calculating fees, are there
25 any fees that defendants are typically assessed that

1 are not listed on this page 3 of the sentencing form?

2 A. Well, you know, I can't really tell. I mean,
3 I don't really pay attention, all except I -- what I
4 do is from the yellow piece of paper that's sent down
5 to me. And the judge marks what fees are -- or the
6 clerk -- minute clerk marks what fees are to be paid
7 after the judge, you know, assesses those fees.

8 Q. All right. And then if we can move to page 4
9 of this document. This is titled "Attachment A."
10 And this lays out some of the fees -- some of the
11 fees and the costs that the defendant owes in a
12 little bit more detail; correct?

13 A. Uh-huh.

14 Q. And so am I correct, based on what you said
15 earlier, that this sheet will be filled out by the
16 minute clerk?

17 A. That's correct.

18 Q. And do you know when the minute clerk fills
19 these out? Does that happen -- does that happen
20 after sentencing?

21 A. I assume so. I don't know. I'm never in
22 court with them; so I don't have any idea when they
23 do it.

24 Q. And, Ms. Powell, if you can look down to the
25 various fees that are listed here under "Schedule Of

1 Reimbursement." Are you familiar with all the
2 fees -- with all the specific fees that are listed?

3 A. Yes.

4 Q. So where it says -- where it says victims
5 compensation and it has a \$250 victims compensation
6 fee, do you understand -- do you know what the
7 purpose of the payment of that fee is?

8 A. No. I don't have any idea.

9 Q. Where it says "county sheriff" and 105 --
10 what appears to be 105.00 next to it, am I correct
11 that that is a \$105 county sheriff fee?

12 A. Yes. That's what it looks like.

13 Q. And do you know what the purpose of the
14 payment of that fee is?

15 A. I have no idea. It's just probably in the
16 template that is used.

17 Q. And do you know what the amount -- or
18 sorry -- what determines the amount of that fee?

19 A. I didn't understand that question.

20 Q. Sure.

21 So the \$105 for the county sheriff fee, do you
22 know what determines that the amount of that fee is
23 \$105?

24 A. I have no idea. I know if they're
25 incarcerated, they're charged \$38 a day. But I don't

1 know what that specifically is.

2 Q. And the \$38 a day, is that a reference to the
3 jail incarceration fee?

4 A. Uh-huh. But those aren't added on until
5 after they've done their jail time and they send it
6 over from the jail, an Attachment B.

7 Q. The amount that says "CLEET/PAX," do you know
8 what that fee refers to?

9 A. That's just a fee that's added in on a
10 template whenever the template was put on when it was
11 assessed by the state.

12 Q. But you don't understand what the specific --
13 what the specific purpose --

14 A. No.

15 Q. -- of that fee is?

16 A. No, I do not.

17 Q. Same reference to -- with -- with respect to
18 the next one, "AFIS/AFIX." Do you know what the
19 point of that fee is?

20 A. That's -- once again, as I said, that's
21 assessed by the state, and that's what's put on the
22 computer. And when we do end-of-month reporting, we
23 have a check that we send to them each month. Each
24 of the entities have a voucher sent to them each
25 month, to the state.

1 Q. And the next one, "forensic fee," where it
2 says \$5 for the forensic fee, do you know what the
3 specific purpose of that fee is?

4 A. No, I do not.

5 Q. "MLRF," where it has a \$10 -- what appears to
6 be 10.00 next to MLRF, does that reference a \$10 fee
7 for this particular amount?

8 A. Uh-huh. It looks like it.

9 Q. And do you know what the point of this
10 particular fee is?

11 A. I have no idea. As I said, it's just on our
12 end-of-month, and it's a fee that's just assessed by
13 the template.

14 Q. And, Ms. Powell, this particular sheet that
15 was filled out by Ms. Fairlie, you said it's your
16 practice that, after this sheet is filled out, the
17 defendant comes to your office for the final
18 calculation; is that correct?

19 A. I do the fines and costs. Once everything is
20 calculated and they've pled guilty or they've been
21 sentenced, then -- then I do their payment plans.

22 Q. Are there any fees here that are -- that you
23 calculate that aren't listed in this minute sheet?

24 A. I only calculate what they send down to me.

25 Q. All right. So I think we can put this

1 document away.

2 I'd like to talk about that meeting that you
3 have with the defendant when they come down to your
4 office for the total.

5 I understand that -- that, as you said, they
6 come down after meeting with the minute clerk; is
7 that correct?

8 A. They come down what now?

9 Q. So they come -- they come to your office to
10 get their total amount calculated --

11 A. Yes.

12 Q. -- after meeting with the minute clerk; is
13 that correct?

14 A. After -- after meeting with the judge.

15 Q. And after they meet with the judge, do
16 they -- do they meet with the minute clerk to receive
17 their -- what you call a yellow slip?

18 A. They are just handed that as they leave the
19 courtroom.

20 Q. And when they come -- when they come to your
21 office to receive their calculation, is anyone else
22 typically there with them?

23 A. Sometimes their attorney. Or a family member
24 sometimes will come in with them.

25 Q. To your -- to your recollection, has -- has

1 anyone from OIDS ever come to your office in
2 connection with this calculation?

3 A. No, not since I've been -- been -- or fines
4 and costs.

5 Q. And when they -- when they come to your
6 office, in connection with getting -- with the
7 calculation, what do you -- do you tell them about
8 anything, other than just what their fines, fees, and
9 costs are?

10 A. We go over the Rule 8 hearings. I got -- I
11 have a letter, a form letter that they are given each
12 time they come in that states that if they are
13 currently making some type of payment, they can be
14 given a new court date; they don't have to come to
15 court. I give them our online website -- it's on a
16 piece of paper that we have printed off -- and let
17 them know that they can make their payments online or
18 they can pay by credit card or debit card. They can
19 pay cash at the window. And they set up the payment
20 plan for whatever they're able to pay.

21 Q. And do you, personally, have the power to
22 change the total amount that they are able to pay --
23 that is not the -- not the monthly payment, but the
24 total amount?

25 A. Oh, no. Huh-uh. I can't change anything

1 that they've been -- if I get that yellow piece of
2 paper down, everything is added up and calculated,
3 and that's what they are -- I let them know that
4 that's what their total is that they're paying off.
5 And I also give them 30 days before their first
6 payment is due.

7 Q. And do you know who would have -- who would
8 have the ability to change the total amount that
9 they're able to pay?

10 A. The judge would be the only one. And I have
11 to have an order signed by the judge to change
12 anything, as far as amount-wise. I can change their
13 amount of payment plan after their payments have been
14 set up. If they come in, you know, two months later
15 and say, "I've lost my job," I'm allowed to change
16 the amount that they pay, but I can't change the
17 amount that they owe.

18 Q. So why don't we move on to talking about the
19 meetings to create a payment plan.

20 And it sounds like these meetings to set up a
21 payment plan, when can they occur?

22 A. Do what now?

23 Q. Yeah. When can these meetings between you
24 and the defendant to set up a payment plan occur?

25 A. Well, most generally, they come right down

1 from court and set up their payment plan. We have
2 some that want to come back, but, you know, that's up
3 to them if they don't get it set up.

4 Q. And if I'm understanding correctly, they can
5 come back to you later for another meeting; is that
6 correct?

7 A. They can come back if they are unable to wait
8 to set their payment plan up, but they have to bring
9 that paperwork back to me.

10 Q. And by "paperwork," what do you specifically
11 mean?

12 A. The yellow piece of paper that has the fines
13 and costs -- or the costs that was assessed to them
14 by the judge and their new court date.

15 Q. And the court date, do you know who sets
16 that?

17 A. The judge.

18 Q. And does anyone else from your office
19 participate in these meetings regarding the payment
20 plan?

21 A. No. I'm in there by myself, unless they have
22 someone with them. And a lot of times they have
23 their attorneys with them.

24 Q. Do you know if these meetings are recorded
25 at all?

1 A. My meetings with someone? In the fine and
2 cost room?

3 Q. That's correct.

4 A. No. As far as I know, they're not. I don't
5 know. I've never been told they have been.

6 Q. Is there any type of documentation as to what
7 went on at their -- at their hearing with the judge
8 that you asked them to bring?

9 A. The minute clerk puts down everything that
10 happens in court.

11 Q. So would that be -- would that be the
12 sentencing form that we just covered, for example,
13 with Ms. Ackerson?

14 A. Yes.

15 Q. Other than the sentencing form, is there
16 anything else they typically bring?

17 A. Just their order-back slip. And a lot of
18 times they will bring down a form for probation, and
19 I usually send them to the probation office which is
20 right next door to my office.

21 Q. And by "order-back slip," what's contained on
22 that slip?

23 A. Just the date they're coming back to court
24 and the time.

25 Q. So that particular slip, that doesn't contain

1 any -- the order-back slip, that doesn't contain any
2 information regarding their ability to pay; correct?

3 A. No. Huh-uh. That just tells them when to
4 come back to court.

5 Q. And the probation form, can you explain that?

6 A. It's just a standard form that they -- it's
7 just an informational sheet of paper that they give
8 them upstairs in court. I've never looked at it,
9 other than to let them know they need to go next door
10 to probation.

11 Q. Do they bring with them anything relating to
12 their application for public defense counsel, in the
13 case of defendants who avail themselves a public
14 defender?

15 A. No.

16 Q. And is it your practice to ask them if they
17 can give you that information?

18 A. No. I don't ask them anything, other than
19 what -- figure their fines and costs.

20 Q. Is it your practice to talk to a
21 court reporter to obtain any transcripts of previous
22 hearings with the judge before helping them set their
23 payment plan?

24 A. No. I go strictly off of what I'm sent down
25 from court.

1 Q. And other than the folks that you've
2 mentioned, does -- I'd like to talk a little bit
3 about whether there's anyone else who takes part in
4 this meeting.

5 Does the judge themselves take part in this
6 meeting?

7 A. In what meeting?

8 Q. In the meeting with -- the meeting between
9 you and the defendants regarding the initial payment
10 plan.

11 A. No. Huh-uh. No.

12 Q. Does the prosecutor -- or the district
13 attorney, rather, take part in this?

14 A. No.

15 Q. And do the defendants have a chance to ask
16 you any particular questions?

17 A. Well, they can ask me whatever they want. If
18 I can answer it, I'll answer it. If I can't, I'll
19 get an answer for them.

20 Q. What are the most common questions that they
21 ask you?

22 A. How much do I have to pay?

23 Q. And any other questions?

24 A. No.

25 Q. Do they ever ask you whether they have an

1 alternative to paying, such as community service?

2 A. Yes. Some of them will, and that's entirely
3 up to the judge. I just let them know they've got to
4 speak with the judge about that.

5 Q. Do they ever ask you what their options are
6 if they're disabled?

7 A. Then I go over the Rule 8 hearing with them,
8 and we set them for a court date separate, on usually
9 Thursdays at 4:00. And they go before the judge and
10 visit with the judge about their inability to pay.

11 Q. But the determination that happens at those
12 hearings, that's entirely by the judge?

13 A. Yes.

14 Q. And the judge who presides over the Rule 8
15 hearings, do you know who that is?

16 A. Judge Sigler.

17 Q. Are there any other judges who preside over
18 these Rule 8 hearings?

19 A. No. Judge Sigler pretty much does them all
20 right now.

21 Q. Do you know what type of documents he
22 reviews, in connection with those hearings?

23 A. We tell them they have to have some type of
24 proof as to whether or not they are indigent, whether
25 or not they are -- you know, if they have medical

1 issues, something to prove that they're unable to pay
2 what they've agreed to pay.

3 Q. But does he ask you to provide him directly
4 any -- any documents?

5 A. No. All I provide to him is that Rule 8
6 hearing form. He sends it back down, signed, with a
7 court date on it, and we mail that exact form to the
8 defendant so they know when their court date is.

9 Q. Sure.

10 But he doesn't ask you to provide him any type
11 of -- any type of summary as to what the defendant
12 told to you at the payment plan meeting?

13 A. No. No.

14 Q. And he doesn't otherwise speak to you in any
15 way to discuss -- or to ask about what was discussed
16 with the defendant at their payment plan meeting?

17 A. No. Huh-uh.

18 Q. And aside from these in-person meetings, are
19 there phone calls that defendants can have with the
20 court clerk's office about the payments and the
21 progress of those payments?

22 A. Yes. I mean, I get phone calls all the time,
23 you know, letting me know, "I can't pay it this
24 month. Can I pay it next month?" Or, you know, "Can
25 I get caught up next month?" Or, "Can I make a

1 payment of such and such?" And, you know, that -- I
2 get those frequently.

3 Q. Are those conversations recorded or
4 memorialized at all?

5 A. No.

6 Q. What do you tell defendants who tell you that
7 they cannot make a future appearance before the court
8 regarding their payments?

9 A. Well, they don't have to appear before the
10 court as long as they are consistently making some
11 type of payment. Due to the COVID issue, we're
12 trying to keep as many people out of the courtroom as
13 possible and the courthouse as possible. So if they
14 are making some type of payment, then I give them a
15 new court date by phone so they don't have to come
16 back. And we have some that do that consistently so
17 they don't have to come back to the courthouse until
18 they've paid in full.

19 Q. So that's as long as they're making payments?

20 A. Uh-huh.

21 Q. And is that a new practice that was imposed
22 due to COVID?

23 A. Yes. Yes.

24 Q. Do you know, roughly, when that was -- that
25 practice was implemented?

1 A. Oh, I guess probably March or April, whenever
2 the COVID first started because we were shut down to
3 the public for a while. And then I think we started
4 back up in June -- the first part of June, maybe,
5 with letting people come back in. I sent out a lot
6 of payment plans to people who were, you know,
7 needing to either lower or to set up their payment
8 plan. And they would just mail them back in to me.

9 Q. And before, do you know what you -- what you
10 told them if they told you that they couldn't make a
11 court hearing?

12 A. Depending on what their circumstance was, I
13 could give them a court date. And they had to call
14 or either show up or be consistently making a payment
15 to get a new court date.

16 Q. So, typically, you would reschedule their
17 court date?

18 A. If they were consistently making a payment or
19 they had, like, a death in the family or some reason
20 that they couldn't be here, then I could reschedule
21 it to the next fines and costs court date.

22 Q. And who -- and is it you who makes that
23 determination as to whether to reschedule their
24 hearing?

25 A. Yes. I can do that. There were times that I

1 would talk to Judge Sigler about that before I would
2 reschedule it, and then I would call them back.

3 Q. And when you would talk to Judge Sigler, what
4 would be the point of talking to him before you
5 rescheduled it?

6 A. Just to let him know what was going on with
7 the defendant and see if it was all right if I
8 schedule it further on out. Or, you know, there
9 might be somebody that was having surgery or maybe
10 had a death in the family that had to travel, out of
11 state, to go to a family funeral; so, therefore, I
12 would check with him and see if I could schedule them
13 further on out rather than just -- you know, closer
14 to the next court date.

15 Q. And Judge Sigler, how long have you known
16 him?

17 A. Since he's been here. I don't know -- I
18 don't know exactly when he started. Let's see.
19 Judge Gerkin retired --

20 Q. And --

21 A. Gerkin has probably been retired -- huh?

22 Q. I'm sorry. Continue. I think I cut into the
23 middle of your answer.

24 A. Judge Gerkin has probably been retired for
25 maybe five, six years. So he took over

1 Judge Sigler -- or Judge Gerkin's spot.

2 Q. And you mentioned that you speak to him
3 sometimes about rescheduling court dates. Is there
4 anything else you speak to him about?

5 A. No. Pretty much, that's about all I have
6 dealings with him with.

7 Q. So you haven't spoken to him about any of the
8 other issues we've covered today?

9 A. No. Huh-uh.

10 Q. And do you know Judge DeLapp -- or former
11 Judge DeLapp, rather?

12 A. Yes, I do. He was here when I started.

13 Q. And when was the last time you spoke to him?

14 A. I don't know. It's been a while. He comes
15 in and files documents, but that's about it. I mean,
16 I haven't spoken to him as far as -- unless I'm out
17 there at the window filing stuff for people, then I
18 take his stuff. But that's other than -- that's all
19 I speak to him about.

20 Q. So you just speak to him about collecting
21 documents that he's filing?

22 A. Yes. He's in private practice now; so I --
23 if I'm out in the general area where all the clerks
24 are, then I -- and everybody is busy, then I file
25 paperwork.

1 Q. Okay. So your conversations are with respect
2 to his private practice, not him being a judge; is
3 that correct?

4 A. Oh, yeah.

5 Q. Do you recall the last time you spoke to him
6 with respect to his role as a former judge?

7 A. No. I didn't really have anything to do with
8 him whenever -- because I was never a minute clerk;
9 so I didn't really have that much to do with him
10 at all. And I wasn't a fines and cost administrator
11 at that time either. So...

12 Q. So you've never spoken to him about any of
13 the issues we've covered today?

14 A. Oh, huh-uh.

15 Q. And who did you first learn about this case
16 from?

17 A. Pardon?

18 Q. So the current case that we're in, who did
19 you first learn about this case from?

20 A. My court clerk.

21 Q. And that's Jill?

22 A. Yes.

23 Q. Do you recall about when that was?

24 A. Oh, I have no idea. Just whenever we first
25 got the information that, you know, the lawsuit was

1 happening.

2 Q. Do you recall what you specifically heard
3 about from her, other than that there was a lawsuit
4 happening?

5 A. That's just it; there was a lawsuit.

6 Q. And do you know whether the case has been
7 discussed at the courthouse by anyone else that you
8 work with?

9 A. No. Huh-uh.

10 Q. Have you spoken to any attorneys for any of
11 the judges about the case?

12 A. No. Huh-uh.

13 Q. And have you spoken to any attorneys for any
14 of the Oklahoma Indigent Defense board of directors
15 or board, in connection with the case?

16 A. No.

17 Q. All right. Ms. Powell, so I'd like to talk
18 in a little bit more detail about the specific
19 procedures that the court has for dealing with fines,
20 fees, and costs owed by defendants.

21 A. Okay.

22 Q. Do you know what procedures there are that
23 the court has by which a judge can review the fines,
24 fees, and costs owed by criminal defendants?

25 A. He can review them anytime. They're public

1 record.

2 Q. Sure. Let me rephrase that.

3 Are there any hearings, in the Washington
4 County District Court, in which a judge can review
5 the fines, fees, and costs owed?

6 A. Yes. The Rule 8 hearings.

7 Q. And are there also monthly hearings where
8 defendants who are on payment plans appear before the
9 court?

10 A. Yes. We have, normally, two hearings a
11 month.

12 Q. And those are separate from the Rule 8
13 hearings; correct?

14 A. Yes. They are separate.

15 Q. And those are called "fines and costs
16 reviews"?

17 A. Yes, they are.

18 Q. And have you ever heard the term
19 "cost docket" used in reference to those hearings?

20 A. No. We always just call them "fine and cost
21 review."

22 Q. All right. So let's talk about those
23 hearings first.

24 Do you sit in at these hearings?

25 A. Yes. I am the minute clerk for the fines and

1 cost reviews.

2 Q. So, as minute clerk, do you sit next to
3 Judge Sigler while these occur?

4 A. I sit in front of him, yeah.

5 Q. And what sort of notes do you take about --
6 with respect to these hearings?

7 A. I just take -- I put if they're here or
8 they're not here for court, and put when they're
9 ordered back. If they're here, then we give them an
10 order-back slip with their Rule 8 hearing form and
11 their online website form, and that's pretty much it.

12 We've got it down, pretty much, to where
13 there's not a whole lot of people in court. So we
14 just call them by name -- or we call them as they
15 come in instead of calling them by name and going
16 down the list because we don't have that many here
17 anymore, due to the COVID issue and people calling
18 in.

19 Q. Okay. So if I'm understanding you correctly,
20 you're not transcribing, word for word, what happens
21 in the hearings?

22 A. No.

23 Q. And does anyone, other than Judge Sigler,
24 ever preside over these hearings?

25 A. Not since I've been minute clerk.

1 Q. And does anyone else from the court clerk's
2 office attend?

3 A. No. There are times whenever -- whenever we
4 were having, like, two -- 200 people in the
5 courtroom, and we have would another person come with
6 me in order to just hand out the call-back slips, the
7 order-back slips. But that was all. I did the
8 minutes and they did the order-back slips.

9 Q. So no one from the DA's office attends the
10 hearing?

11 A. Huh-uh. No.

12 Q. Does -- and there's no court reporter at the
13 hearing who's transcribing everything, word for word?

14 A. No. Huh-uh.

15 Q. Is there any -- any videographer or recorder
16 recording what happens at the hearing?

17 A. No.

18 Q. And do you -- do you recall whether there are
19 any recordings made of the hearing that are
20 preserved?

21 A. No --

22 Q. See if I can clarify. Is it that you don't
23 recall, or is it that there are no --

24 A. There are none.

25 Q. -- recordings made?

1 A. There are no video or nothing in court.

2 Q. And do you recall whether anyone from OIDS
3 ever appears, in connection with these hearings?

4 A. Not since I've been minute clerk.

5 Q. Anyone employed by OIDS?

6 A. Not since I've been minute clerk, no.

7 Q. And Judge Sigler, what sorts of questions
8 does he ask to defendants --

9 A. Normally --

10 Q. -- at the hearings?

11 A. Normally when they come up, they will have
12 their receipt in their hand if they've made a
13 payment. And he says, "I see you've made a payment.
14 I'm going to order you back such and such a date."

15 You know, if some of them say they can't pay,
16 he'll say, you know, "Are you working somewhere?"
17 Or, "Have you found a job yet?" Or, you know, just
18 general conversation. But that's about it.

19 Q. Does he ask them as to what their monthly
20 expenses are?

21 A. No.

22 Q. Does he ask them whether they owe any fines,
23 fees, or court costs in other counties?

24 A. No.

25 Q. Does he ask them about whether they have any

1 disabilities?

2 A. Have any what?

3 Q. Disabilities.

4 A. No. That's done in the Rule 8 hearing.

5 Q. And does he ask them to give him, on the
6 spot, any documentation?

7 A. A what?

8 Q. Sorry. Let me say that a little bit more
9 loudly.

10 Does he ask them to provide to him, on the spot
11 in those fines and cost reviews, any documentation
12 regarding their ability to pay?

13 A. Oh, huh-uh. No. That's only done in the
14 Rule 8 hearings. He does it in private with the
15 defendant.

16 Q. And have you seen anyone ordered remanded to
17 jail for their failure to pay by Judge Sigler at
18 these hearings?

19 MR. PEDERSON: Object to form.

20 Yeah, you can answer.

21 THE WITNESS: No. He's not -- he's not
22 remanded anybody since, you know, I've been minute
23 clerk. We have had people arrested because they had
24 outstanding warrants at the time that they came to
25 court or came in to pay. But we've not remanded

1 anybody.

2 BY MR. NADKARNI:

3 Q. So when you say "he's not remanded anybody,"
4 are you saying that, since you've been minute clerk,
5 you haven't seen him remand anyone to jail?

6 A. That's correct.

7 Q. Do you know whether he remands anyone at
8 any -- at any other time, outside of these fines and
9 cost reviews?

10 A. I have no idea because I'm not in court with
11 him, other than fines and costs.

12 Q. Are you aware of whether he any -- whether he
13 ever remands anyone for failure to appear at the
14 fines and cost review?

15 A. Not since I've been minute clerk, he hasn't.

16 Q. And just to clarify, how long have you been
17 minute clerk for the specific fine and cost reviews?

18 A. Since March of 2018.

19 Q. And does the -- does the court clerk's office
20 play any role in processing the remand forms that
21 Judge Sigler would sign?

22 A. The minute clerk would, but I don't have any
23 part in that. That's given to them upstairs in
24 court.

25 (Reporter clarification.)

1 BY MR. NADKARNI:

2 Q. So the minute clerk? You're referring to
3 someone like Ms. Lawrence or like --

4 A. Gina Swan is his minute clerk, his full-time
5 minute clerk. Other than for fines and costs, and I
6 do that.

7 Q. So you don't have any role in corresponding
8 with anyone, like the DA's office or the sheriff's
9 office, with respect to these remand orders; is that
10 correct?

11 A. That's correct.

12 Q. And if we can -- if we can quickly inquire
13 about what happens to people who miss a fines and
14 cost review hearing.

15 Do you know what the court's practice is as to
16 what happens next for that person?

17 A. What happens if they miss fines and costs,
18 and it's their first time that they've missed, I send
19 a letter to them, stating that they have -- they've
20 missed their court date and they have 10 days
21 in which to reply. So if they call me within that
22 10 days, then I will give them a new court date. If
23 they don't, then they go on the warrant list.

24 Q. And the warrant list, do you know who's in
25 charge of adding them to that list?

1 A. I do.

2 Q. And what happens to that list after it's
3 created?

4 A. I have not been sending out warrants for
5 Judge Sigler at this time, due to COVID, because so
6 many people is without jobs. So I have -- I just
7 have been holding the list. And at some point in
8 time, we'll -- if they've not replied or if I see
9 they've not been making any payments, then eventually
10 they'll get a warrant (audio garbled) for them. I
11 don't know when that's going to happen. That's not
12 up to me; it's up to the judge.

13 Q. All right. So why don't we talk more about
14 Rule 8 hearings.

15 Are you familiar with what is -- with what is
16 known as the Rule 8 hearing?

17 A. Yes.

18 Q. And could you -- could you briefly describe
19 what is discussed in those hearings?

20 A. I can't really tell you for sure because I
21 don't go up for the Rule 8 hearings. His normal
22 minute clerk does. All I know is that he talks
23 about, you know, whether they're indigent, whether
24 they've got health issues, whatever. And then he
25 decides what to do at that time. But I can't tell

1 you for sure what -- what is discussed because I'm
2 not there for the Rule 8 hearing.

3 Q. Do you know how these hearings came to be
4 called Rule 8 hearings?

5 A. Oh, I have no idea.

6 Q. So do you have any understanding of what the
7 procedures are at those hearings?

8 A. I have no idea. I'm not upstairs; so I don't
9 know.

10 Q. So you're not aware of whether they're
11 recorded?

12 A. No, They are not recorded.

13 Q. Do you know whether a -- whether a public
14 defender is available for a defendant in this
15 hearing?

16 A. I guess if they want one with them. I don't
17 know. I've never been up there; so I don't know
18 how -- how they do it.

19 Q. So you don't -- you don't know what the
20 actual procedure is for that?

21 A. No.

22 Q. Are you generally familiar with how long
23 Rule 8 hearings have been occurring, in the
24 Washington County court?

25 A. Since Judge Sigler has been here. He's been

1 doing those Rule 8 hearings for people.

2 Q. Do you know whether they were occurring
3 before Judge Sigler?

4 A. I don't believe they were.

5 Q. So you have no recollection of Judge DeLapp
6 holding Rule 8 hearings?

7 A. I -- no. I don't know anything about what he
8 did.

9 Q. All right. Ms. Powell, I'd like to take you
10 to another document. And let me know, can you see my
11 screen now? Can you see what looks like this list
12 with lots of lines in very small font?

13 A. Uh-huh.

14 Q. Great.

15 MR. NADKARNI: Cheryl, can you please mark
16 your copy of this document as the next exhibit in
17 this deposition? I believe that would be Exhibit 6.

18 THE REPORTER: Yes, you're correct.

19 (Whereupon, Deposition Exhibit No. 6 was
20 marked for identification and made part of the
21 record.)

22 BY MR. NADKARNI:

23 Q. Ms. Powell, I will represent that this report
24 is from, as noted here, June 2nd, 2020, and it was
25 produced to us by the Washington County Court Clerk's

1 office.

2 A. Uh-huh.

3 Q. Did you have any role in obtaining or
4 retrieving this document, in connection with
5 producing this document to us?

6 A. No, sir, I did not.

7 Q. And have you ever seen a document or a report
8 like this before?

9 A. No, sir.

10 Q. Do you -- do you recognize what is being
11 illustrated in this document?

12 A. Apparently, for Rule 8 hearings.

13 Q. Okay. And you can feel free to double-check
14 this yourself, but I will represent to you that if we
15 were to go down and look at all of the dates here, do
16 you understand it to be the dates on which Rule 8
17 hearings are occurring?

18 A. I really don't know if that's what that is or
19 not. I don't know if that's the date of the Rule 8
20 hearing or what it is. As I said, I've never seen
21 the report and didn't run the report; so I can't tell
22 you what it's for, what the day is.

23 Q. Sure. No problem.

24 One more question about the dates. And you can
25 feel free to check this, but if you were to look down

1 these dates that I'm scrolling through on the right
2 side of the sheet, you'll see that all of these dates
3 appear to be from 2020 or 2019. And --

4 A. I see some 2018s on there.

5 Q. Yeah. And the earliest one is August 3rd,
6 2018.

7 Do you have any idea as to why there aren't any
8 hearings listed before that date?

9 A. Why what?

10 Q. Sure.

11 Do you have any -- do you have any knowledge of
12 your own as to why there's no Rule 8 hearings listed
13 before August 3rd, 2018?

14 A. I have no idea.

15 Q. And can you remind me exactly when
16 Judge Sigler started?

17 A. I -- I don't have an exact time. I -- it's
18 probably been at least five years since Judge Gerkin
19 retired. So he took Judge Gerkin's place is all I
20 know. I can't tell you exactly when. It may have
21 been longer than that. I don't know.

22 Q. And do you have any knowledge of whether
23 there were any Rule 8 hearings occurring before
24 August 2018?

25 A. I have no idea.

1 Q. And, Ms. Powell, what's the procedure by
2 which a person who would like a Rule 8 hearing can
3 obtain one?

4 A. If they come to the court clerk's office and
5 ask for a Rule 8 hearing form or if we're in court
6 and they ask for one, I hand them a form while I'm in
7 court. If they come to my fine and cost room, I give
8 them one from the fine and cost room. And all the
9 other clerks know where the Rule 8 hearing forms are;
10 so they just hand them to them.

11 Q. All right. Why don't we go to the next
12 document. This will be tab 8 in the folder that's
13 been provided to counsel.

14 MR. NADKARNI: Cheryl, can you please mark
15 this -- mark a copy of this document as the next
16 exhibit in this deposition. I believe that will be
17 Exhibit 7.

18 THE REPORTER: You're right. That's
19 correct.

20 (Whereupon, Deposition Exhibit No. 7 was
21 marked for identification and made part of the
22 record.)

23 BY MR. NADKARNI:

24 Q. Ms. Powell, are you familiar with this form?

25 A. Yes.

1 Q. And is this the form that a defendant needs
2 to fill out in order to request a Rule 8 hearing?

3 A. It is.

4 Q. And who is this form specifically submitted
5 to, once they fill it out?

6 A. To Judge Sigler.

7 Q. And do they -- do they hand it directly to
8 him or do they hand it to the court clerk's office
9 and then you pass it on to him?

10 A. No. It's given to the court clerk's office,
11 then it's sent upstairs to him. He is actually the
12 one who puts the court date on it, and we send them
13 the exact form with the court date on it.

14 Q. And is Judge Sigler responsible for whether
15 or not the Rule 8 hearing is granted?

16 A. If it's what? If it's granted?

17 Q. Yes. That's correct.

18 A. Yes. He's responsible for that.

19 Q. So if they don't submit this form to him,
20 then they don't get a hearing scheduled?

21 A. That's correct.

22 MR. PEDERSON: Object to form.

23 BY MR. NADKARNI:

24 Q. All right. Ms. Powell, I know you mentioned
25 that you don't usually get to take a lunch break; so

1 I think we'd like to at least give you that courtesy
2 right now.

3 Why don't we break for lunch for 30 minutes, if
4 that works for counsel, and then reconvene at 2:30.

5 MR. NADKARNI: Does that work for everyone?
6 Or does anyone need a little more time?

7 MS. KANE: That's fine, I guess.

8 MR. NADKARNI: Jon or Devan, do you have
9 any preference?

10 MR. PEDERSON: No. That's fine. This is
11 Devan.

12 MR. NADKARNI: Okay. Cheryl, how about,
13 with that, we go off the record and we reconvene at
14 around 2:30 Eastern, 1:30 Central.

15 THE REPORTER: Okay. We will be off the
16 record. The time is 1:02 p.m.

17 (Break was taken: 1:02 p.m. to 1:45 p.m.)

18 THE REPORTER: Back on the record. The
19 time is 1:45 p.m.

20 BY MR. NADKARNI:

21 Q. Okay. Ms. Powell, we don't have too much
22 more to cover, but one thing I'd like to discuss with
23 you is whether you're familiar with Judge Linda
24 Thomas?

25 A. Only that I know she has hearings. But I'm

1 not in court with her; so, other than that, no, I
2 don't know anything.

3 Q. Do you ever speak to her?

4 A. Only if she comes to the window and needs
5 help with something.

6 Q. Do you ever interact with her in your role as
7 cost administrator?

8 A. No.

9 MR. NADKARNI: All right. I think those
10 are all the questions plaintiffs had for Ms. Powell.

11 Ms. Kane, I'd just like to repeat, for the
12 record, that the Plaintiffs would like to request
13 copies of the forms that Ms. Powell brought with her
14 to the deposition today. And we're happy to discuss
15 offline. But, other than that, we have no further
16 questions.

17 MR. PEDERSON: You know, let me -- let's
18 take a -- can we take, like, a quick three-minute
19 break here and let me look at my notes real quick?
20 And then I'll see if I have any questions.

21 THE REPORTER: We will go off the record.
22 The time is 1:46 p.m.

23 (Break was taken: 1:46 p.m. to 1:52 p.m.)

24 THE REPORTER: The time is 1:52 p.m. We'll
25 be back on the record.

1 CROSS EXAMINATION

2 BY MR. PEDERSON:

3 Q. Ms. Powell, a couple of months ago, did you
4 meet with myself and another attorney from the
5 attorney general's office?

6 A. Yes. Quite some time ago.

7 (Reporter clarification.)

8 BY MR. PEDERSON:

9 Q. And what was discussed at that time?

10 A. Just that maybe I would have to do a
11 deposition.

12 Q. Anything else you can recall?

13 A. No.

14 Q. You earlier said that if someone wants to
15 have a hearing about their ability to pay --

16 (Reporter clarification.)

17 BY MR. PEDERSON:

18 Q. Yeah. Earlier you said that when someone
19 asks for a Rule 8 hearing, you give them a form; is
20 that right?

21 A. That's correct.

22 Q. And it's a request for a Rule 8 hearing?

23 A. Yes.

24 Q. And you said, I think, that Judge Sigler
25 decides whether to grant that request. Did you mean

1 he decides whether to grant the relief requested at
2 the hearing, or he decides whether to grant the
3 hearing itself?

4 A. No. He decides whether the relief will be
5 granted.

6 Q. Does he ever deny anybody the opportunity for
7 a hearing, if they request a hearing?

8 A. No.

9 Q. And the -- is the template that you talked
10 about earlier that puts in the fees, is that part of
11 Kelpro?

12 A. Kelpro gets those fees from the fee schedule,
13 and they automatically put those on the computer for
14 us. They're our Kelpro support. They don't do the
15 fees themselves. They don't make up the fees. It's
16 made by the state; so it's on a fee schedule, and
17 they get that ahead of time from the fee schedule --
18 or get it put on before it's time for it to be
19 implemented.

20 Q. Okay. And so that -- those dollar amounts
21 automatically populate when you access the system --

22 A. Yes.

23 Q. -- is that right?

24 A. Yes. Once a charge is put on.

25 MR. PEDERSON: All right. That's all the

1 questions I have. Thank you very much.

2 THE REPORTER: Is everyone finished?

3 MR. NADKARNI: Devan, if I can just have a
4 minute or two to ask Ms. Powell just one or two extra
5 questions about the meeting you had with her
6 regarding testifying for the deposition.

7 MR. PEDERSON: Yeah. Go ahead.

8 REDIRECT EXAMINATION

9 BY MR. NADKARNI:

10 Q. Sure.

11 So, Ms. Powell, just to clarify. You spoke
12 with Mr. Pederson and another person from the
13 attorney general's office, in connection with saying
14 you would be available to testify at this deposition
15 today?

16 A. Yes. Quite some time ago. And I had
17 forgotten about it since --

18 Q. No, no problem. I can barely remember what I
19 had for breakfast.

20 But did -- did Mr. Pederson ask you if you were
21 able to testify as to the topics included in the
22 deposition subpoena?

23 A. Yeah. I mean, he just said that I could be,
24 you know, subpoenaed to testify.

25 Q. Did he inquire as to whether there was anyone

1 else at the court clerk's office who would be able to
2 testify on those topics?

3 A. I don't recall that he did.

4 Q. Did you mention the names of anyone else at
5 the court clerk's office that he should contact, in
6 connection with responding to the deposition
7 subpoena?

8 A. No.

9 Q. Did you mention the names of anyone else
10 working at the Washington County courthouse who you
11 thought might be capable of responding to any of the
12 topics?

13 A. No.

14 Q. And did Mr. Pederson, or his colleague, share
15 their opinions as to -- as to their client's position
16 on any of those topics?

17 A. No. Huh-uh.

18 Q. So the conversation, if I understand it, was
19 limited to them informing you that you might be able
20 to testify?

21 A. Uh-huh. Yes.

22 MR. NADKARNI: Okay. There's no further
23 questions on our end. I think, with that, we are --
24 we are ready to go off the record, unless there's any
25 stipulations that we -- that we need to enter.

1 MR. PEDERSON: Just to clarify one point.

2 RECROSS EXAMINATION

3 BY MR. PEDERSON:

4 Q. Glenda, the meeting you had with me and the
5 other attorney from the attorney general's office,
6 that was many months ago; right? That was before you
7 got the deposition subpoena, before --

8 A. Oh, yeah. Yeah. Way before that. I
9 couldn't even tell you how long ago.

10 MR. PEDERSON: That's all I have.

11 THE REPORTER: Okay. Would the witness
12 like to read and review?

13 THE WITNESS: Yes.

14 THE REPORTER: Okay. We are off the
15 record. The time is 1:58 p.m.

16 (Record concluded, 1:58 p.m.)
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JURAT PAGE

FEENSTRA VS. SIGLER, ET AL.

JOB FILE # 147477

STATE OF OKLAHOMA

SS

COUNTY OF OKLAHOMA

I, Glenda Powell, do hereby state under oath that

I have read the above and foregoing deposition in its

entirety and that the same is a full, true and

correct transcript of my testimony so given at said

time and place, except for the corrections noted.

Glenda Powell

Subscribed and sworn to before me, the undersigned

Notary Public in and for the state of Oklahoma, by

said witness _____, on this _____ day

of _____, 2020.

Notary Public

My Commission Expires: _____

JOB FILE # 147477

1 CERTIFICATE

2 STATE OF OKLAHOMA

3 SS

4 OKLAHOMA COUNTY

5 I, Cheryl D. Rylant, Certified Shorthand Reporter
6 within and for the state of Oklahoma, certify that
7 the above-named witness was sworn, that the
8 deposition was taken in shorthand and thereafter
9 transcribed; that it is true and correct; and that it
10 was taken on October 13, 2020, in Edmond, county of
11 Oklahoma, state of Oklahoma, pursuant to Agreement
12 and the Federal Rules of Civil Procedure and under
13 the stipulations set out, and that I am not an
14 attorney for nor relative of any of said parties or
15 otherwise interested in the event of said action.

16 IN WITNESS WHEREOF, I have hereunto set my hand
17 and official seal this 26th day of October, 2020.

18 
19
20

21 CHERYL D. RYLANT, CSR, RPR
22 Certificate No. 1448
23
24
25

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1 else at the court clerk's office who would be able to

2 testify on those topics?

3 A. I don't recall that he did.

4 Q. Did you mention the names of anyone else at

5 the court clerk's office that he should contact, in

6 connection with responding to the deposition

7 subpoena?

8 A. No.

9 Q. Did you mention the names of anyone else

10 working at the Washington County courthouse who you

11 thought might be capable of responding to any of the

12 topics?

13 A. No.

14 Q. And did Mr. Pederson, or his colleague, share

15 their opinions as to -- as to their client's position

16 on any of those topics?

17 A. No. Huh-uh.

18 Q. So the conversation, if I understand it, was

19 limited to them informing you that you might be able

20 to testify?

21 A. Uh-huh. Yes.

22 MR. NADKARNI: Okay. There's no further

23 questions on our end. I think, with that, we are --

24 we are ready to go off the record, unless there's any

25 stipulations that we -- that we need to enter.

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1 MR. PEDERSON: Just to clarify one point.

2 RECROSS EXAMINATION

3 BY MR. PEDERSON:

4 Q. Glenda, the meeting you had with me and the

5 other attorney from the attorney general's office,

6 that was many months ago; right? That was before you

7 got the deposition subpoena, before --

8 A. Oh, yeah. Yeah. Way before that. I

9 couldn't even tell you how long ago.

10 MR. PEDERSON: That's all I have.

11 THE REPORTER: Okay. Would the witness

12 like to read and review?

13 THE WITNESS: Yes.

14 THE REPORTER: Okay. We are off the

15 record. The time is 1:58 p.m.

16 (Record concluded, 1:58 p.m.)

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1 JURAT PAGE

2 FEENSTRA VS. SIGLER, ET AL.

3 JOB FILE # 147477

4 STATE OF OKLAHOMA

5 SS

6 COUNTY OF OKLAHOMA

7 I, Glenda Powell, do hereby state under oath that

8 I have read the above and foregoing deposition in its

9 entirety and that the same is a full, true and

10 correct transcript of my testimony so given at said

11 time and place, except for the corrections noted.

12

13 *Glenda Powell*

14 Glenda Powell

15 Subscribed and sworn to before me, the undersigned

16 Notary Public in and for the state of Oklahoma, by

17 said witness *Glenda Powell* on this 28 day

18 of October 2020.

19

20 *Patricia Phelps*

21 My commission expires: 3/10/2023

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1 ERRATA SHEET

2 FEENSTRA VS. SIGLER, ET AL.

3 DEPOSITION OF GLENDA POWELL

4 REPORTER: CHERYL D. RYLANT, CSR, RPR

5 DATE DEPOSITION TAKEN: OCTOBER 13, 2020

6 JOB FILE # 147477

7 PAGE LINE CORRECTION

8 31 17 February 12, 2007

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